

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LEE HUNNELL,	:	CIVIL ACTION NO. 1:19-CV-1874
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
YOE INDUSTRIAL CONCRETE SERVICES, INC. t/a YOE INDUSTRIAL SERVICES,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 30th day of November, 2020, upon consideration of the motion (Doc. 10) to dismiss by defendant, and the parties' respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 10) to dismiss is GRANTED.
2. Count 2 of plaintiff's amended complaint is DISMISSED without prejudice.
3. Plaintiff is GRANTED leave to amend his complaint in accordance with the accompanying memorandum on or before **Monday, December 14, 2020**. In the absence of a timely filed amended complaint, this matter shall proceed on Count 1. Defendant's deadline to respond to the amended complaint under Federal Rule of Civil Procedure 12(a)(4)(A) is DEFERRED for the duration of the 14-day amendment period.

/S/ CHRISTOPHER C. CONNER _____
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania